

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**ERIC JACKSON, ALARIC STONE, and
MICHAEL MARCANELLE**, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

ALEJANDRO N. MAYORKAS, in his official
capacity as Secretary of Homeland Security,
LLOYD J. AUSTIN, III, in his
official capacity as Secretary of Defense,
LINDA L. FAGAN, in her official
capacity as Commandant of the Coast Guard, and
BRIAN K. PENOYER, in his official capacity
as Assistant Commandant for Human
Resources of the Coast Guard,

Defendants.

Case No. 4:22-cv-00825-P

PLAINTIFFS' STATUS REPORT

Plaintiffs have conferred with Defendants (the "Coast Guard") about threatened imminent adverse actions against service members including but not limited to imminent discharge dates and imminent dates of transfer to the Inactive Service List ("ISL"; "no-pay, no-points status"). Plaintiffs hereby submit this status update, summarizing the Coast Guard's resulting agreements to date.¹

- On September 23 and 26, 2022, the Coast Guard agreed to hold off on imminent discharge proceedings against Plaintiff Marcenelle, any other discharge proceedings against the named Plaintiffs, and imminent discharge proceedings against one specific

¹ The Coast Guard has so far not agreed to hold off on all imminent adverse actions against putative class members. Plaintiffs reserve the right to seek additional relief from the Court if and as appropriate and necessary.

putative class member, pending resolution of the motions for class-wide relief [Doc. 4].

- On September 27 and 29, 2022, the Coast Guard agreed to defer the ISL transfer date to December 1, 2022 for four specific putative class member reservists who had been given a September 30 or October 1, 2022 ISL transfer date.
- Today, September 30, 2022, the Coast Guard agreed to defer the ISL transfer date to December 1, 2022 for all 122 putative class member reservists who had been given an October 1, 2022 ISL transfer date (not counting the four that Defendants previously agreed to defer). The identities of all of these 122 putative class members are unknown to Plaintiffs. The Coast Guard stated that, because of the timing of today's agreement, some or all of those reservists may receive orders that they are in a no-pay, no-points status effective October 1, but that will be corrected by the end of next week to make clear that the transfer date has been changed to December 1.

Dated: September 30, 2022

Respectfully submitted,

/s/ Adam S. Hochschild

Stephen Crampton, *pro hac vice*
THOMAS MORE SOCIETY – Senior Counsel
PO Box 4506
Tupelo, MS 38803
(662)255-9439
scrampton@thomasmoresociety.org

Michael McHale, *pro hac vice*
THOMAS MORE SOCIETY – Counsel
10506 Burt Circle, Ste. 110
Omaha, NE 68114
(402)501-8586
mmchale@thomasmoresociety.org

Adam S. Hochschild, *pro hac vice*
Hochschild Law Firm
THOMAS MORE SOCIETY – Special Counsel
PO Box 401
Plainfield, VT 05667
(314)503-0326
adam@hochschildlaw.com

Mary Catherine Hodes, *pro hac vice*
THOMAS MORE SOCIETY – Special Counsel
112 S. Hanley Rd., Second Floor
Clayton, MO 63105
(314)825-5725
mchodes@thomasmoresociety.org

Paul M. Jonna*
LiMandri & Jonna LLP
THOMAS MORE SOCIETY – Special Counsel
P.O. Box 9120
Rancho Santa Fe, CA 92067
(858)759-994
pjonna@limandri.com

* *pro hac vice* application forthcoming

Charles W. Fillmore
State Bar # 00785861
H. Dustin Fillmore III
State Bar # 06996010
THE FILLMORE LAW FIRM, L.L.P.
201 Main Street, Suite 700
Fort Worth, TX 76102
(817)332-2351
chad@fillmorefirm.com
dusty@fillmorefirm.com

Nathan Loyd, *pro hac vice*
THOMAS MORE SOCIETY – Special Counsel
5101 Old Highway 5, Box 442
Lebanon, GA 30146
(559)744-3664
nathaniel.loyd@thomasmoresociety.org

Counsel for Plaintiffs